

REGULAR MEETING OF THE JASPER COUNTY COUNCIL

January 19, 2016

The Jasper County Council met this date at 7:00 P.M. C.S.T. in the Commissioners' Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Rein O. Bontreger, Gerrit H. DeVries, John T. Price, Andrew Andree, Gary Fritts, Stephen Jordan and Paul Norwine. Also present was Donna J. Horner, Deputy Auditor, and Linda Armstrong, Deputy Auditor. Mr. Bontreger called the meeting to order and those present stood and recited the Pledge of Allegiance led by Mr. Fritts.

REORGANIZATION OF THE BOARD: Nominations were opened. Mr. Price made a motion to nominate Rein Bontreger as President. Mr. DeVries seconded this motion. No other nominations were made. Mr. Jordan made a motion to close the nominations and Mr. Price seconded. The motion carried unanimously. After a unanimous vote, Mr. Bontreger was elected President of the Council.

Mr. Bontreger opened nominations for Vice President. Mr. Jordan made a motion to nominate Andrew Andree. Mr. Fritts seconded the motion. Mr. DeVries made the motion to close nominations. Mr. Price seconded and the motion carried unanimously. After a unanimous vote, Mr. Andree was elected Vice President of the Council.

MINUTES: Mr. DeVries made the motion to approve the Minutes of the Regular Meeting held on December 15, 2015 as presented. Mr. Jordan seconded and the motion carried unanimously.

CONCERN ADDRESSED: Mr. Price reported that it is his understanding that Mr. Tom Mathis' concerns regarding some of the procedures being followed by the BZA have been addressed. They are now doing finding of fact properly and keeping a record of it which is available to the public.

ADDITIONAL APPROPRIATION / SUPERIOR COURT: Advertised in the County General Fund, Superior Court Budget, was \$16,370.00 within Personal Services, Per Diem Petit Jury, \$4,000.00 within Other Services & Charges, Lodging & Meals Jurors and \$18,000.00 within Other Services & Charges, Translator for a total of \$38,370.00. Judge Ahler explained that he was present to renew a request that was originally made back on October 26. We still have on our docket the serious felony charge of a non-English speaking defendant who presently resides in the Jasper County Jail. As it looks right now, I am going to have a trial with substantial expenses. It is a mandatory requirement of this type of trial that you have to use a translator who is certified through the state program. Mr. Norwine made the motion to approve **Additional Appropriation Ordinance No. 2016-01A** in the amount of \$38,370.00. Mr. Price seconded and the motion carried unanimously.

ADDITIONAL APPROPRIATION / ASSESSOR: Advertised in the County General Fund, Assessor's Budget, Personal Services, Assessor was \$1,000.00. Mr. Andree made the motion to approve **Additional Appropriation Ordinance No. 2016-01B** as advertised. Mr. Norwine seconded and the motion carried unanimously.

ADDITIONAL APPROPRIATION / TREASURER: Advertised in the County General Fund, Treasurer's Budget, Personal Services, Part-Time was \$10,000.00. Carla Anderson, Treasurer, requested that the Council reinstate the part-time help money that was cut from her 2016 budget. Mr. Price made the motion to approve **Additional Appropriation Ordinance No. 2016-01C** as advertised. Mr. Fritts seconded and the motion carried unanimously.

ADDITIONAL APPROPRIATION / COUNTY CREDIT FUND: Advertised in the County CREDIT Fund, Technology Budget, Other Services & Charges, Radio Repair & Maintenance (Sheriff) was \$155,000.00. Mr. Jordan made the motion to approve **Additional Appropriation Ordinance No. 2016-01D** as presented. Mr. Andree seconded and the motion carried unanimously.

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DRUG-FREE JASPER COUNTY: Jeff Phillips, Director for Drug-Free Jasper County, was present to request that the Council release the fees that have been collected through the convictions of drug or alcohol offenses in 2015. The funds are used for education, prevention and enforcement of improper or illegal use of drugs and alcohol in Jasper County. Mr. Price made the motion to approve the Jasper County Drug Free Fund as presented. Mr. Jordan seconded and the motion carried unanimously.

SALARY REDUCTION / RESOLUTION: Per the request of Sheriff Terry Risner, the amount budgeted for his 2016 salary will be reduced by \$1,000.00. Mr. Fritts made the motion to approve **Resolution 1-19-2016** as presented. Mr. Price seconded and the motion carried unanimously.

ANIMAL CONTROL OFFICER / SALARY: Mr. Bontreger stated that a request was previously brought before the Council to consider giving the new Animal Control Officer the raise that some other offices received. We did have feedback at the last meeting from some concerned citizens. Mr. Price read an excerpt from the employee handbook that states that all employees shall be introductory employees for the first six (6) months of continuous employment. At the end of the introductory period, employees shall cease to be introductory employees, unless, their introductory status is extended by their elected official/department head. Mr. Price expressed that it was his opinion that you would not give someone that was in the introductory/probationary period a raise especially after a short period of time. Mr. Norwine stated that he would agree. After further discussion, the decision was made to revisit the raise request after the six month probationary period has ended.

BOARD APPOINTMENTS:

Alcohol Beverage Commission: Mr. DeVries made the motion to reappoint Albert Tyler to a one-year term on the Alcohol Beverage Commission. Mr. Norwine seconded and the motion carried unanimously.

Jasper County Economic Development Commission: Mr. Price made the motion to reappoint Mitchell VanKley to a four-year term on the Jasper County Economic Development Commission. Mr. Andree seconded and the motion carried unanimously.

Jasper County Redevelopment Commission: Mr. DeVries made the motion to reappoint Terry L. Stevens and Calvin M. Illingworth to a one-year term on the Jasper County Redevelopment Commission. Mr. Jordan seconded and the motion carried unanimously.

Kankakee-Iroquois Regional Planning Commission: Mr. Price made the motion to reappoint Andrew Andree to a one-year term on the Kankakee-Iroquois Regional Planning Commission. Mr. Norwine seconded and the motion carried unanimously.

Property Tax Assessment Board of Appeals: Mr. Fritts made the motion to reappoint Lester Moore to a one-year term on the Property Tax Assessment Board of Appeals. Mr. Andree seconded and the motion carried unanimously.

Wabash Valley Hospital Board: Mr. Price made the motion to reappoint Rein Bontreger to a one-year term on the Wabash Valley Hospital Board. Mr. Fritts seconded and the motion carried unanimously.

INDIANA FAIR ASSOCIATION HALL OF FAME / INDUCTION: Mr. Price congratulated Steve Jordan on his induction into the Indiana Fair Association Hall of Fame for his exemplary work with the State Fair and the Jasper County Fair. Mr. Jordan stated that he has been a member of the Jasper County Fair Board for approximately 40 years and 9 years on the State Fair Board.

LOCAL OPTION INCOME TAX / DISCUSSION: Mr. DeVries stated that for the past number of years we have had to face the discussions and the battles as we address the issue of the Local Option Income Tax in the month of August. Clearly connected with that issue is another major one that hits those owning farmland and that is the outrageous taxation on their land based on some ridiculous formula. The seven of us that sit on this Council have wrestled with this each year and it appears that we have established two sides strongly opposing each other.

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LOCAL OPTION INCOME TAX / DISCUSSION CON'T: When I read the formula used to derive farmland property tax and where it is going, I am astounded at the absurdity of how any group in our State Legislature could have conceived such a way to derive that tax and I fully sympathize with the farm owners. However, the burden of this high tax that is on farm property should in no way be placed on the shoulders of the families of Jasper County who do not own any farmland. The LOIT was actually initiated by our very own County Council that preceded any of us who sit here today. Both of these issues, I feel, are hurting Jasper County. Anyone with knowledge and understanding of business economy would have to agree that a county income tax of such a high rate damages the economics of our county. My goal this year will be to continue to fight for further reduction in that tax. Along with that, I want for us to work now to better understand and fight together for a reduction of the rate of property tax on farmland. I want to do whatever we can early in this year to work on this and to meet with whomever we can in other counties facing this issue because it certainly isn't just Jasper County facing the farmland tax. To those that are more closely tied to that issue, I would ask that they bring the information so that we can all appreciate and better understand what we can do together to alleviate that outrageous tax. Mr. Bontreger stated that we had talked last year that we wanted to make it a part of our monthly discussion. If I understand it correctly, I do believe that the State Legislature is working on refiguring that formula. Commissioner Kendell Culp stated that Senator Hershman has a bill that, to be honest, they take a stab at about every year. I believe that the bill has passed his committee. This is a short session so there is a pretty short time on action this year as far as making a difference in the General Assembly. Hopefully this is the year that they will find the solution to the farmland formula.

PROPERTY TAX REPLACEMENT MONEY / ROAD FUNDING: Mr. Bontreger stated that Senator Hershman's initiative to release some property tax replacement money for road funding has passed through the Senate almost unanimously. Mr. Fritts stated that he met with Senator Hershman last Wednesday. Because of the LOIT and the distribution of the LOITs that have kicked that money back into our county, Jasper County is in position to receive a fair amount. If you look at the other counties that have not adopted the LOIT, they are not getting near the money that we're going to get. Jasper County is in line to get over \$5 million. Mr. Culp stated that the Commissioners Association has looked at this and has taken a position in favor of Senator Hershman's bill with a little reservation because that's income tax money sent to the State that now is coming back with strings attached to it. 75% of that would have to be used for roads while the other 25% could be used for anything else (including roads). One concern when the LOIT was adopted was the stabilization fund that was created. The fund was created to anticipate poor economic times when income revenues were decreased. During those times, the stabilization fund would pull out of those reserves so our dollars would keep coming back. Senator Hershman's bill would take all of the money out of that account except for the portion that belongs to libraries and townships (estimated 15%) because they don't have roads. The other 85% would be sent back to the counties, cities and towns for the use of roadwork. Senator Hershman was accepting of one amendment that has passed regarding lowering the 50% threshold to 25%. If the balance reaches 25% of the distribution, the overage would revert back to the county, cities, etc. The House has some legislation to lower it even further. It is a good thing and it does mean a lot of money for the county. Like Mr. Fritts stated, it is because we have the LOIT and it has built up giving us the opportunity to bring our money back into the county. Mr. Price added that another thing that will help the farmers and small businesses is that Representative Gutwein has been promised that his metal theft bill, which would greatly increase the penalties and make it much more enforceable, is going to pass this session. That might help a little bit with some of these thefts from farmers and small business people.

MINUTES / ONLINE: Robert Shank, concerned citizen, stated that he is happy to see the Council minutes are back online. While attending an Animal Control Board meeting, Mr. Shank was told that he would have to go out to the shelter to see the minutes from their meeting. Mr. Shank stated that he really thinks that all county boards and commissions should have their minutes available online.

CONCERNED CITIZEN / MATHIS: Tom Mathis, Wheatfield resident, stated that the UDO is currently being reviewed and my understanding is that the text is going to be amended. Will the maps be amended as well? Just as I walk in the chambers tonight, I see another special exception for a gun club. I've seen three of those in the last two years. Directing his questions at Commissioner Culp, Mr. Mathis asked why we are going this direction? Why don't we zone these people accordingly? Mr. Bontreger stated that if Mr. Mathis would like to address the Commissioners, he will need to do so at their meeting.

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FROST LAW / UPDATE: Commissioner Culp reported that we recently updated our frost law in the county. State law will allow you to enforce the frost law for up to 90 days. We have chosen to enforce that from January 15 through April 14. Within the law, we can create a window within the 90 day window and that is what we have done. A hotline has been set up that gives a recorded message to the caller that will tell you the status of the frost law. Signs and posters have been ordered and will begin to go up on Thursday of this week. The hotline number will be publicized on the signs. For at least the first year, notices will go out on the Red Alert system when the law is in effect.

COUNTY POSITIONS / HIRING FREEZE: Mr. Norwine asked Commissioner Culp what the current status with the Commissioners is in terms of filling positions within the county? Is it still possible to run more efficiently or do you have a freeze? Commissioner Culp replied that, according to Attorney Beaver, if the Council funds the position within the budget of an elected official, they have the right to fill it. This is unfortunate because it does not allow us the chance to look at positions and see if priorities have changed. There is a difference if it is a non-elected department.

There being no further business, Mr. Price made the motion to adjourn. Mr. Fritts seconded and the motion carried unanimously.

Rein O. Bontreger, President

ATTEST:

Kimberly K. Grow, Auditor of Jasper County

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